THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.21059 OF 2005

DISPOSED OF ON 18.11.2005

BETWEEN:

RASHTREEYA SWAYAM SEVAK SANGH .. PETITIONER

AND

THE DIRECTOR OF SPORTS, MCH, HYD

AND OTHER ..RESPONDENTS

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O R D E R :

1. This Writ Petition is filed by Rashtreeya Swayam Sevak Sangh represented by its Organizing Secretary assailing the action of respondents in rejecting the grant of permission to conduct a programme on 25.12.2005 in N.T.R.Stadium, Near Indira Park, Ashok Nagar, Hyderabad.

2. The petitioner-Sangh is a socio-cultural organization having been formed in the year 1925. It conducts several programmes for its activities such as socio cultural work of propagating rich heritage of the country. The areas of State of Andhra Pradesh are divided into Vibhags (zones) and the proposed programme scheduled to be conducted on 25.12.2005 is a congregation of selected workers of Bhagyanagar Zone. The said congregation to be addressed by the President of the Organisation is preceded by a drill and physical exercises such as Yoga, Surya Namaskarams etc. An application has been filed by the petitioner-Sangh with the respondents seeking permission to use N.T.R Stadium to hold a drill for the volunteers to be followed by the address of the President of the Organisation on 25.12.2005. The permission sought for by the petitioner-Sangh came to be refused by the respondents. Hence, this writ petition.

3. 1st respondent filed counter affidavit, in which it is stated that permission sought for came to be refused in view of the interim orders passed by the Division Bench pending Writ Appeal being W.A.No.1938 of 2003. I deem it appropriate to refer para 5 of the counter affidavit and it is thus:

> " 5. In reply to paras 6 and 7 of the affidavit, this respondent is bound to follow the judgment of this Honourable Court subject to the order that may be passed in the Writ Appeal pending before the Division Bench of this Honourable Court. It is true that the petitioner also submitted represented after receipt of the letter, but this respondent has no option except to reiterate its earlier stand in the facts and circumstances explained above. I submit that this respondent used to grant permission to organize various programmes and meetings in the N.T.R Stadium previously and now this respondent is not granting any permission except for the state functions after the judgment of this Honourable Court in W.P.No.32212/97. I submit that there are no valid grounds made by petitioner warranting issuance of the writ as prayed for."

4. Heard learned counsel appearing for the petitioner-Sangh and learned Standing Counsel appearing for the respondents.

5. Learned counsel appearing for the petitioner submits that the interim order passed in the Writ Appeal prohibits the respondents-authorities to permit the stadium to be used for the purpose of organising dharnas, picketing etc. using loud speakers with amplifiers disturbing peace in the locality, and whereas the permission sought for by the petitioner-Sangh is to perform drill and therefore, the interim orders referred to above cannot be based to reject the permission sought for by the petitioner-Sangh. He further submits that in similar circumstances permission was accorded to Sant Shree Asaramji Ashram Trust by this Court in W.P.No.23260 of 2004 passed on 15-12-2004 subject to certain conditions. His further submission is that the case of the petitioner-Sangh stands on the same footing as that of the petitioner in W.P.No.23260 of 2004.

6. Learned Standing Counsel appearing for the respondents submits that the respondents are prohibited from permitting the N.T.R. Stadium to be used for the purpose of holding meetings, dharnas, picketing etc. using public address system with amplifier by any body or organization disturbing peace and tranquility in pursuance of the interim orders in the Writ Appeal and thus the action of the respondents in refusing the permission sought for by the petitioners cannot be found fault.

7. A perusal of the interim orders passed by the Division Bench in the Writ Appeal discloses that it was made permissible for using the stadium for recreation and for public purposes including State functions. The prohibition was for holding meetings, dharnas, picketing etc. using loud speakers with amplifiers disturbing the peace of the locality.

8. The petitioner stated in paras 4 and 5 of the writ affidavit the purpose for which permission has been sought for to use the stadium and it reads as follows:

“ 4. I respectfully submit that the petitioner chalks out a series of

programmes on an annual basis to conduct orientation programmes for the cadres all over the country. For the said purpose, the areas of the State of Andhra Pradesh are divided into Vibhags (zones), and the proposed programme scheduled to be conducted on 25.12.2005 is a congregation of selected workers of Bhagyanagar zone. The said congregation is to be addressed by the President of the organization is preceded by a drill of the activists and physical exercises such as Yoga, Surya Namaskarams etc. The entire activity is supervised by the senior functionaries of the organization who are senior citizens to enforce discipline and orderly conduct of the programme. The petitioner has conducted many programmes in the past which have been permitted which have never ever caused any disturbance to the citizens of the city.

5. I respectfully submit that as per the chart of the orientation programmes prepared for the activists, the President of the petitioner is scheduled to address such congregation of the activists. The date scheduled for the programme is 25.12.2005 which is a public holiday and the venue chosen subject to grant of permission by the competent authority, having regard to the space and its location is N.T.R. Stadium, Near Indira Park, Ashok Nagar, Hyderabad. The said place is required for its cleaning and preparations to be made to suit the needs by the evening of 24.12.2005. The scheduled programme includes the address of the congregation by the President of the petitioner organization involving using of a microphone between 4 P.M. to 8 P.M. on 25.12.2005. Detailing all the above, the petitioner made an application before the respondents herein, seeking permission for use of the above stadium for the said purpose. The said request of the petitioner is rejected vide impugned proceedings dt.18.8.2005 and hence the present writ petition."

9. It is explicit from the above referred paras of the writ affidavit that the activities of the petitioner-Sangh cannot be categorized as dharnas, picketing etc. using loud speakers with amplifiers disturbing the peace of the locality. In that view of the matter, there cannot be any impediment for the respondents-authorities in permitting the petitioner-Sangh to use the N.T.R. Stadium, Hyderabad for holding the programme of the petitioner-Sangh on 25.12.2005 subject to certain conditions.

10. This Writ Petition is disposed of with the following directions:

1. The respondents shall permit the petitioner-Sangh to hold drill of the activists and physical exercises such as Yoga, Surya Namaskarams etc. followed by the Address of the President of

the Organistion on 25.12.2005 from 6 A.M. to 8 P.M.

2. The petitioner-Sangh shall provide adequate parking place as well as the basic amenities to the persons who attend the programme within the Stadium.

3. The sound levels of the loud speakers shall be maintained in such a manner as not to disturb the local residents; and

4. There shall be no order as to costs.

Dt: 18-11-2005. (B.Seshasayana Reddy,J)

tnb

cc by 21.11.2005.

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

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